

AMENDED IN ASSEMBLY AUGUST 7, 2006

AMENDED IN ASSEMBLY JUNE 21, 2006

**SENATE BILL**

**No. 372**

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**Introduced by Senator Margett**

February 17, 2005

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An act to amend Section 35795 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 372, as amended, Margett. Vehicles: size, weight, and load: local authorities: issuance of variance permits.

Existing law imposes limits on the size, weight, and load of vehicles that may be operated on the highway and authorizes the Department of Transportation and local authorities, with respect to highways under their respective jurisdictions, to issue permits to operate vehicles exceeding the specified size, weight, and load limits.

Existing law authorizes a local authority to charge a fee for the issuance of the specified permits, if the fee is established by ordinance or resolution after notice and hearing.

Existing law requires that special services necessitated by unusually large or heavy loads requiring engineering investigations, escorts, tree trimming, or other services be billed separately for each permit.

This bill would exclude from the list of special services that are required to be billed separately any services necessary to provide the notification required under these provisions and services that are within the scope of the local authority's ordinary duty to provide. This bill would also require a local authority, for the purposes of determining whether special services are necessitated by an unusually

large or heavy load, to be governed by specific regulatory criteria adopted by the department for highways under its jurisdiction.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 35795 of the Vehicle Code is amended  
2 to read:  
3 35795. (a) (1) The Department of Transportation may  
4 charge a fee for the issuance of permits pursuant to this article.  
5 (2) The fee established by the Department of Transportation  
6 pursuant to this section shall be established by a regulation  
7 adopted pursuant to Chapter 4.5 (commencing with Section  
8 11371) of Part 1 of Division 3 of Title 2 of the Government  
9 Code, and shall be calculated to produce a total estimated  
10 revenue that is not more than the estimated total cost to that  
11 department for administering this article.  
12 (3) Special services necessitated by unusually large or heavy  
13 loads requiring engineering investigations, or other services, may  
14 be billed separately for each permit.  
15 (4) The funds collected by the Department of Transportation  
16 pursuant to this subdivision shall be deposited in the State  
17 Highway Account in the State Transportation Fund.  
18 (b) (1) Local authorities may charge a fee for the issuance of  
19 permits pursuant to this article. However, the fee established by a  
20 local authority pursuant to this section shall be established by  
21 ordinance or resolution adopted after notice and hearing. The fee  
22 shall be calculated to produce a total estimated revenue that is not  
23 more than the estimated total cost incurred by the local authority  
24 in administering its authority under this article and shall not  
25 exceed the fee developed by the Department of Transportation  
26 pursuant to subdivision (a). The fee for the issuance of permits  
27 shall be developed in consultation with representatives of local  
28 government and the commercial trucking industry. Notice of the  
29 hearing shall be by publication as provided in Section 6064 of the  
30 Government Code. The hearing shall be held before the  
31 legislative body of the local authority. All objections shall be  
32 considered and interested parties shall be afforded an adequate  
33 opportunity to be heard in respect to their objections.

1 (2) Special services necessitated by unusually large or heavy  
2 loads requiring engineering investigations, escorts, tree trimming,  
3 or other services, excluding services necessary to provide the  
4 notification required under this section and services that are  
5 within the scope of the local authority's ordinary duty to provide,  
6 shall be billed separately for each permit.

7 (3) For purposes of determining whether, under paragraph (2),  
8 special services are necessitated by an unusually large or heavy  
9 load, a local authority shall be governed by the criteria set forth  
10 in subdivision (b) of Section 1411.3 of Title ~~13~~ 21 of the  
11 California Code of Regulations.

12 (c) Nothing in this section shall limit or restrict the application  
13 of Section 35782.

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